HIGH COURT OF UTTARANCHAL AT- NAINITL.

Writ Petition No. 1113(S/S)2005

Geeta Ram Nautiyal
S/o Late Sri Hari Sharan Nautiyal,
Presently posted as Sanskrit Lecturer,
G.I.C. Paukhal, Tehri Garhwal. ....Petitioner.

Vs.

1. State of Uttaranchal through Secretary,
   Education, Secretariat, Dehradun.
2. Joint Director of Education,
   Garhwal Mandal, Pauri Garhwal. ...Respondents.

Sri B.P. Nautiyal., learned counsel for the petitioner.
Learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri B.P. Nautiyal, learned counsel for the petitioner and learned Standing Counsel, who accepts notices for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus commanding the respondents to consider the case of the petitioner for his transfer as per the Govt. transfer policy transferring him from the present place of posting to the nearest college to the place of posting of his wife.

Submission of the petitioner is that the petitioner was posted as a lecturer (Sanskrit) on 25.02.1997 and since then he is working as lecturer at G.I.C. Paukhal, district Tehri Garhwal. The wife of the petitioner is also working as Assistant Teacher at Primary School, Ganeshpur, Amkeshwar Block, district Pauri Garhwal. It has been further contended that the petitioner is working in the remote area (Durgam Kshetra) for last more than 8 years and his wife is also working in the remote area for

the last more than 9 years. The Govt. Policy provides that in case both, husband and wife are the Govt. servants, as far as possible, they can be posted at one place. Since the wife of the petitioner is working as Primary School Teacher, she cannot be transferred to another district, as such, to retain the spirit of the policy, the petitioner may be transferred from Paukhal district Tehri Garhwal to any other Institution in the Amkeshwar Block and nearby to it in the district Pauri Garhwal.

During the course of argument, learned counsel for the petitioner has submitted that he has already moved representation before respondent no.2 on 23.07.2005 which is annexure no. 5 to the writ petition, therefore the respondent be directed to take decision on his representation at the earliest.

The prayer is innocuous.

The Joint Director of Education, Garhwal Division, Pauri Garhwal shall take decision on the representation of the petitioner which he has moved before the respondent on 23.07.2003 (annexure no. 5 to the writ petition) within a period of one month from the date of production of a certified copy of this order before respondent no. 2.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

August 5, 2005:
NCM: